

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYUN-UK CHOI, JIN-HO JUNG, SUNG-
HUN JUNG, SUNG-HEE LEE, and KYUNG-
SUB LEE, Individually and on Behalf of All
Others Similarly Situated,

Case No.: 14-cv-9912 (KMW)

Plaintiff,

vs.

TOWER RESEARCH CAPITAL LLC and
MARK GORTON,

Defendants.

**STIPULATION AND ~~[PROPOSED]~~ ORDER ESTABLISHING A SCHEDULE FOR
DEFENDANTS' ANSWER OR, IF APPLICABLE, A BRIEFING SCHEDULE
FOR A MOTION TO DISMISS**

WHEREAS, Plaintiffs filed a complaint in the above-captioned matter on December 16,
2014 ("Complaint");

WHEREAS, per this Court's January 20, 2015 Order; Defendants currently have until
February 20, 2015 to Answer or otherwise move against the Complaint;

WHEREAS, Counsel for Plaintiffs and Counsel for Defendants met and conferred and
agreed that discovery (except for the service of preservation notices) would be stayed pending a
resolution of Defendants' planned motion to dismiss the Complaint;

WHEREAS, Counsel for Plaintiffs and Counsel for Defendants further agreed that,
notwithstanding their agreement to stay discovery, both parties will provide initial Rule 26(a)
disclosures by March 9, 2015 and submit a proposed Protective Order and Protocol for
Discovery of Electronically Stored Information to the Court by that same date;

WHEREAS, Counsel for Plaintiffs and Counsel for Defendants have further agreed that Defendants will Answer or otherwise move against the Complaint no later than February 27, 2015 - KMW
2105;

WHEREAS, Counsel for Plaintiffs and Counsel for Defendants further agreed that, if Defendants file a motion to dismiss on February 27, 2015, Plaintiffs' opposition would be due no later than April 29, 2015, with Defendants' reply then due no later than May 22, 2015.

NOW, THEREFORE IT IS HEREBY ORDERED THAT:

1. Discovery, except for the service of preservation notices, is stayed until either Defendants file an Answer to the Complaint or this Court denies Defendants' planned motion to dismiss in whole or in part;

2. Notwithstanding this stay of discovery, the parties shall exchange initial Rule 26(a) disclosures by March 9, 2015 and submit a proposed Protective Order and Protocol for Discovery of Electronically Stored Information by that same date;

~~3. If Defendants file an Answer to the Complaint or this Court denies, in whole or in part, Defendants' planned motion to dismiss, the parties shall have 15 days to submit a proposed Scheduling Order, from the date that the Answer or Order is docketed;~~ KMW

KMW 3. Defendants shall move to dismiss or otherwise Answer the Complaint by February 27, 2015 and;

KMW 4. If Defendants move to dismiss the Complaint by February 27, 2015, Plaintiffs' opposition must be filed no later than April 29, 2015 with Defendants' reply due no later than May 22, 2015.

5. The initial pretrial conference in this action, currently scheduled for February 26, 2015 at 10:00 a.m., is adjourned *sine die*. If Defendants file an Answer to the Complaint or the Court denies, in whole or in part, Defendants' planned motion to dismiss, the Court will immediately reschedule the initial pretrial conference. The parties will need to submit a proposed Scheduling Order and Discovery Plan at least three business days before the conference.

SO ORDERED: 2-6-15


KIMBA M. WOOD
U. S. D. J.